

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 RICHARD OWENS, 1:12-cv-00154 SKO (PC)
12 Plaintiff, ORDER TRANSFERRING CASE TO THE
13 vs. CENTRAL DISTRICT OF CALIFORNIA
14 DONNELLY, Warden, et al., (Doc. 14)
15 Defendants.

17 Plaintiff Richard Owens, a state prisoner proceeding pro se, initially filed a petition for
18 habeas corpus on February 2, 2012. (Doc. 1.) Plaintiff thereafter filed a civil rights complaint
19 pursuant to 42 U.S.C. § 1983. (Doc. 14.) The Court ordered Plaintiff to file a statement of intention
20 to proceed in this action on his habeas petition or his civil rights complaint, and on May 15, 2012,
21 Plaintiff notified the Court he intends to proceed on his complaint. (Docs. 15, 16.)

22 The federal venue statute requires that a civil action, other than one based on diversity
23 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
24 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
25 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action
26 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in
27 which the action may otherwise be brought.” 28 U.S.C. § 1331(b).

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1 In this case, none of the defendants reside in this district. Plaintiff's claims arise from events
2 which allegedly occurred at California State Prison-Lancaster in Los Angeles County, which is in the
3 Central District of California. Therefore, venue is proper in the Central District of California. In the
4 interest of justice, a federal court may transfer a complaint filed in the wrong district to the correct
5 district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
7 District Court for the Central District of California.

9 || IT IS SO ORDERED.

10 Dated: May 18, 2012 /s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE